

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: 03/19/2012
POSITION: Oppose
SPONSOR: California Federation of Teachers

BILL NUMBER: AB 1826
AUTHOR: Hernandez, Roger

BILL SUMMARY: Community colleges: full-time instructors.

This bill would prohibit a California community college district (CCCD) from assigning full-time faculty "overload" or extra assignments that exceed 50 percent of a full-time workload. The bill would not supersede local bargaining agreements that are more restrictive than the 50 percent limitation. Finally, the requirements of the bill would apply to supervisory or managerial personnel who perform faculty work under the applicable collective bargaining agreement.

FISCAL SUMMARY

This bill could create a reimbursable-state mandate costing tens to hundreds of thousands of dollars Proposition 98 General Fund if affected districts are required to comply with the 50 percent limitation by monitoring faculty workload. Assuming that one-third of the CCCDs, or 24, incurred an average cost of \$5,000 to \$10,000 annually to monitor faculty workload, the cost would be \$120,000 to \$240,000 Proposition 98 General Fund.

For CCCDs, the bill may or may not generate additional local costs depending on local decisions. To the extent that CCCDs hire new full-time faculty to staff the overload assignments, they could incur additional costs, potentially in the millions of dollars. However, if the CCCDs shift the overload assignments from full-time faculty to part-time faculty, the costs could be minimal, or potentially generate savings, because part-time faculty are typically less expensive. Finally, CCCDs could incur additional costs to the extent the bill compels them to renegotiate local bargaining agreements. In the event that CCCDs did incur additional costs, the costs could create reimbursable-state mandate if they are determined to be a direct result of this bill.

COMMENTS

The Department of Finance opposes this bill for the following reasons:

- This bill would impose additional restrictions on CCCDs during a period of constrained budgets and limited resources, which necessitates operational flexibility to the maximum extent possible. Moreover, faculty overload assignments are better addressed through the local collective bargaining process, which allows CCCDs to be responsive to local needs and conditions as illustrated by the bill's deference to local agreements that are more restrictive.
- The bill could generate additional local costs and potentially reimbursable-state mandate costs to the extent that CCCDs would be required to monitor full-time faculty workload, hire more full-time faculty to address the additional workload, and renegotiate local bargaining agreements.

While existing law defines a part-time or temporary community college faculty as a person employed less than 67 percent of the time of a full-time faculty, it does not specify the maximum workload for full-time faculty, which is determined or collectively bargained at the local level. The term "overload assignment"

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Governor's Office:	By:	Date:	Position Approved _____ Position Disapproved _____
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COMMENTS (continued)

refers to full-time faculty electing to teach additional courses for additional pay beyond their normal full-time class load, which is typically four classes.

Existing law also establishes legislative intent that 75 percent of credit instruction be taught by full-time faculty. Regulations impose financial penalties on CCCDs that fail to meet the 75 percent requirement (also known as the Full-time Faculty Obligation Number or FON); however, the Chancellor's Office can reduce the requirement under certain conditions, such as when workload (full-time equivalent students) is reduced due to budget reductions. While each district has a unique FON requirement, the statewide average for 2010-11 was 57 percent.

According to the author's office, this bill would limit the amount of excess work a full-time faculty member can be assigned, helping to ensure the quality of instruction and protecting part-time faculty members from losing income and health benefit eligibility.

The Chancellor's Office surveyed the 112 community colleges and of the 44 that responded, 14 had a policy or collective bargaining agreement allowing an overload exceeding 50 percent.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							
	LA	(Dollars in Thousands)							
	CO	PROP					Fund		
	RV	98	FC	2012-2013	FC	2013-2014	FC	2014-2015	Code
6870/Comm College	LA	No		----	See Fiscal Summary	----			0001